

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of March 22, 2019

9:00 AM

### **Meeting Site:**

Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

### **Remote Testimony Sites:**

Hana Council District Office - Hana Community Center, 5091 Uakea Road, Hana, Hawaii

Lanai Council District Office - Lanai Community Center, 8th Street, Lanai City, Hawaii

Molokai Council District Office - 100 Ainoa Street, Kaunakakai, Hawaii

website: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

email: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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### **ORAL OR WRITTEN TESTIMONY**

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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### **A. ROLL CALL**

**B. OPENING REMARKS:**

COUNCILMEMBER RIKI HOKAMA

**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

NONE.

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

NONE.

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

- [CC 19-129](#) DIRECTOR OF FINANCE, transmitting 56 contracts/grants for February 2019.
- [CC 19-130](#) MAYOR, informing of a vacancy on the Fire and Public Safety Commission due to the resignation of William Kennison.
- [CC 19-131](#) MAYOR, informing of a vacancy on Real Property Tax Review Board due to the resignation of Michael Gurat.
- [CC 19-132](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending February 2019.
- [CC 19-133](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for January 2019 for all registered well reporters in the County of Maui.
- [CC 19-134](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement 2, T. Oda Subdivision, Wailuku, TMK: (2) 3-4-003:030 por.
- [CC 19-135](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, Kaanapali Vista Subdivision, TMK: (2) 4-4-009:011 por.
- [CC 19-136](#) DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 17-E, Puuomalei Tract, TMK: (2) 2-7-002:010 por.

- [CC 19-137](#) COUNCIL CHAIR KING, transmitting a proposed resolution entitled, "APPROVING THE APPOINTMENT OF COUNCILMEMBER YUKI LEI K. SUGIMURA AS A MEMBER OF THE COUNCIL ON AGING".
- [CC 19-138](#) CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled, "NOMINATING AND APPROVING THE APPOINTMENT OF LORI BUCHANAN TO THE MOLOKAI PLANNING COMMISSION".
- [CC 19-139](#) COUNTY AUDITOR, transmitting the County of Maui Single Audit Report, Management Advisory Report, and required Communication Letter for the Fiscal Year Ended June 30, 2018, submitted by N&K CPAs, Inc.
- [CC 19-140](#) DIRECTOR OF FINANCE, transmitting a proposed resolution entitled, "APPROVING THE DIRECTOR OF FINANCE TO COMPROMISE A CLAIM RELATING TO REAL PROPERTY TAXES FOR TMK NO. (2) 2-1-013-079".
- [CC 19-141](#) COUNCILMEMBER SUGIMURA, relating to the Kahana Bay Coastal Erosion Project.
- [CC 19-142](#) COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled, "SUPPORTING STEWARDSHIP OF EAST MAUI STREAMS (OLA I KA WAI)".
- [CC 19-143](#) COUNCIL CHAIR KING, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS".
- [CC 19-144](#) COUNCILMEMBER HOKAMA, relating to the Fiscal Year 2020 Budget for the Department of Parks and Recreation and the Department of Housing and Human Concerns, Human Concerns Program.
- [CC 19-145](#) PLANNING DIRECTOR, relating to the Community Plan Amendment, State Land Use District Boundary Amendment, Change in Zoning, and Special Management Area Use Permit for the Nahiku Community Center, Nahiku Road, Hana, transmitting copies of documents and the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023";
  2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023"; and
  3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023".
- [CC 19-146](#) COUNCILMEMBER LEE, relating to the Kaunakakai Wastewater Reclamation Facility Operation and Maintenance Inspection Report - SFY19.

## **2. GENERAL COMMUNICATIONS:**

**NONE.**

### **I. COMMITTEE REPORTS:**

#### **Affordable Housing Committee**

##### **[CR 19-31](#)**

Recommending the following:

1. **ADOPTION** of resolution authorizing the Director of Housing and Human Concerns to waive the requirements of Chapter 2.96, Maui County Code, relating to the County's purchase rights for the 120-unit Kaiwahine Village affordable-housing project in Kihei and to authorize two of the project's units be for resident managers; and
2. **filing** of communication.

#### **Economic Development and Budget Committee**

##### **[CR 19-32](#)**

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2019 Budget within the Department of Liquor Control by transferring \$2,300 from the Liquor Control Program, Category A (Salaries) to Category C (Equipment) to fund a budgetary shortfall for the purchase of three mid-size hybrid four-door sedans.

##### **[CR 19-33](#)**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by: (1) increasing Carryover/Savings from the General Fund by \$250,000; (2) amending Section 3.B.8.c., Department of Management, Maui Redevelopment Program, by adding a grant entitled "Grant to Lokahi Pacific" with an appropriation for Category B (Operations) in the amount of \$250,000; and (3) adjusting the totals accordingly, to renovate the Harry and Jeanette Weinberg Pono Center at 62 North Market Street, Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

[CR 19-34](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by: (1) increasing Carryover/Savings from the Highway Fund by \$352,900; (2) amending Section 3.B.16.e., Department of Transportation, Public Transit Program - Highway Fund, by increasing Category B (Operations) and Total appropriations by \$352,900; and (3) adjusting the totals accordingly, to cover a projected budgetary shortfall in paratransit services provided by Maui Economic Opportunity, Inc.; and
2. **FILING** of communication.

### **Goverance, Ethics, and Transparency Committee**

[CR 19-35](#)

Recommending **ADOPTION** of resolution approving the appointment of Henriette "Mei Lani" Aki to the Council on Aging for a term expiring on March 31, 2021.

[CR 19-36](#)

Recommending **ADOPTION** of resolution authorizing the settlement of David J. Chevalier and Patricia A. Chevalier v. County of Maui, et al., Civil 18-1-0353(3).

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*

### **Planning and Sustainable Land Use Committee**

[CR 19-37](#)

Recommending **ADOPTION** of resolution to refer to the Molokai Planning Commission a proposed bill to grant a Change in Zoning for approximately 32,068 square feet of property in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, to make the zoning consistent with the Molokai Island Community Plan designation.

## **J. RESOLUTIONS:**

**NONE.**

## **K. ORDINANCES - SECOND AND FINAL READING:**

[Bill 9 \(2019\)](#)

"A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, FIRE PREVENTION PROGRAM, AND OCEAN SAFETY PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

- [Bill 10 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT ACT)"
- [Bill 11 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (EDWARD BRYNE MEMORIAL JUSTICE ASSISTANCE GRANTS)"
- [Bill 12 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY (HAWAII TOURISM AUTHORITY)"
- [Bill 13 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, PLAN REVIEW, PROCESSING, AND INSPECTION REVOLVING FUND (FIRE)"
- [Bill 14 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WEST MAUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER, FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 15 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS - FRONT STREET IMPROVEMENTS)"
- [Bill 16 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WEST MAUI COMMUNITY PLAN AREA, FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER, FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD"
- [Bill 17 \(2019\)](#) "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16A, MAUI COUNTY CODE, ESTABLISHING A NEW CHAPTER 16.16B, MAUI COUNTY CODE, PERTAINING TO THE ENERGY CODE"
- [Bill 18 \(2019\)](#) "A BILL FOR AN ORDINANCE TO PROHIBIT PARKING IN A MEDIAL STRIP"

[Bill 19 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER"

[Bill 20 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION"

**L. UNFINISHED BUSINESS:**

**NONE.**

**"BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

**ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**